

Response dated April 7, 2005
Response to Office Action dated February 8, 2005

Application No. 09/864,383

REMARKS

Claims 1-98 and 100-220 are pending. Claims 1-98 and 100-220 are rejected by the Office Action.

Claim Rejections – 35 U.S.C. §102

1) Regarding section 6 of the Office Action, claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 99, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, 212, 214-216, and 220 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,765,138 (Aycock). Regarding claim 1, Aycock does not anticipate the features of “inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers” and “displaying, for at least one selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain.” (Emphasis added.) In accordance with MPEP §2111, a claim must be given plain meaning unless defined in the specification. While the specification does not explicitly define “hierarchy,” the common meaning of “hierarchy” is “A body of persons organized or classified according to rank or authority.” (The American Heritage Dictionary, Second College Edition, Houghton Mifflin Company. Emphasis added.) Moreover, the specification discloses the claimed invention is a manner consistent with the common meaning of “hierarchy.” For example, the specification, as originally filed, discloses (Paragraph 57):

Referring to Fig. 10, an actuals comparison screen 260 is illustrated. The actuals comparison screen 260 may be selected using the actuals compare suppliers score button 216 in the side menu 300. With the actuals comparison screen 260, a user will be able to compare the actual performance metrics of multiple suppliers by stacking them up next to each other in a matrix. This can be done at department, division or channel level, and comparisons across levels of the hierarchy are possible (i.e. compare supplier A's performance at divisional level against supplier B's performance at company level).

Response dated April 7, 2005

Application No. 09/864,383

Response to Office Action dated February 8, 2005

"Hierarchical levels" are characterized by levels that are ranked with one another, in which one level is viewed as being higher than another level, e.g., divisional level in relation to a departmental level. Without a rank order of levels, levels cannot be hierarchical.

Regarding claim 1, the Office Action alleges (Paragraph 6. Emphasis added.):

inputting a hierarchical level within an individual supplier, the individual supplier being one of the at least one multiple suppliers (column 3, lines 3-13 – the supplier enters information regarding quality standards in design, production, distribution, serviceability, and reliability, each of these correlating to a level within a supplier such as a design department, distribution or shipping department, etc.)

The Office Action further alleges (Paragraph 4):

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the specific levels hierarchy of the suppliers such as departmental level or divisional level) are not recited in the rejected claims(s).

However, Aycock merely discloses (Column 3, lines 3-13.):

After receiving supplier responses to the requirements, the supplier responses are assigned a scaled score on the basis of corresponding desired vendor responses. The scaled score of the supplier responses are correlated with the relative weight of the requirements, and a supplier maturity level is calculated representing an objective evaluation of the supplier responses. The supplier maturity level refers to the supplier's sophistication and capabilities in establishing and maintaining quality standards in the design, production, distribution, serviceability, and reliability of the supplier's product or service.

While Aycock teaches about correlating supplier responses to a vendor's requirement, the teaching does not suggest anything related to hierarchical levels. In fact, while the above teaching discloses quality standards in design and distribution, there is no suggestion related to organizational entities such as a "design department" and a "distribution or shipping department." Moreover, a body of entities merely consisting of a plurality of departments is not an organization with hierarchical levels. Aycock does not anticipate claim 1 for at least the above reasons.

Similarly, independent claims 20, 39, 58, 93, 113, 133, 153, 174, and 194 are not anticipated by Aycock. Claim 20 includes the features of "inputting a hierarchical identification

Response dated April 7, 2005
Response to Office Action dated February 8, 2005

Application No. 09/864,383

of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers” and “displaying, for at least one selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”; claim 39 includes “a module/component inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers” and “a module/component displaying, for at least one selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”; claim 58 includes “an input interface that inputs a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers” and “an interface displaying, for at least one selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”; claim 93 includes the features of “receiving a request relating to at least one supplier of said supply chain, the request including a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one supplier” and “generating, for at least one selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 113 includes the features of “receiving a request relating to at least one supplier of said supply chain, the request including a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one supplier” and “generating, for at least one selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 133 includes “a module/component receiving a request relating to at least one supplier of said supply chain, the request including a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one supplier” and “a module/component generating, for at least one selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 153 includes

Response dated April 7, 2005
Response to Office Action dated February 8, 2005

Application No. 09/864,383

the features of "inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the suppliers" and "evaluating, for at least one selected hierarchical level, the suppliers for said supply chain based on the performance information"; claim 174 includes the features of "inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the suppliers" and "evaluating, for at least one selected hierarchical level, the suppliers for said supply chain based on the performance information"; and claim 194 includes "a module/component inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the suppliers" and "a module/component evaluating, for at least one selected hierarchical level, the suppliers for supply chain based on the performance information."

Claims 2-3, 5, 7, 10, 13, 14, 16, 17, 19, 21-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57, 59-60, 62, 67, 70, 71, 73, 74, 76, 94-97, 104, 107, 108, 110, 111, 114-117, 119, 124, 127, 128, 130, 131, 134-137, 139, 144, 147, 148, 150, 151, 154-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 195-198, 200, 205, 208, 209, 211, 212, 214-216, and 220 depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194. Thus, claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, 212, 214-216, and 220 are not anticipated by Aycock for at least the above reasons, and the Applicant requests for reconsideration.

2) Regarding section 7 of the Office Action, claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-143, 145, 146, 149, and 152 are rejected under U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,008,817 (Gilmore). Regarding claim 1, Gilmore does not anticipate the features of "inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers" and "displaying, for at least one selected hierarchical level, performance indicators for said supply chain, said performance

Response dated April 7, 2005
Response to Office Action dated February 8, 2005

Application No. 09/864,383

indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain." The Office Action alleges that Gilmore teaches "inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the at least one of multiple suppliers (column 3, lines 35-36)." However, Gilmore merely discloses "As mentioned above, facilitation of raw data input is provided by the CVAUI 20." (Column 3, lines 35-36.) However, Gilmore merely discloses a hierarchy that "describes the priority of product features and performances of the product." (Column 4, lines 17-18.) Gilmore does not disclose or even suggest anything about hierarchical levels within an individual supplier.

The Office Action further alleges that Gilmore teaches "displaying, for a selected hierarchical level, performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain (column 3, lines 44-52 - analysts can drill up or down the hierarchy of comparative information)." (Emphasis added) However, Gilmore merely teaches drilling up or down a hierarchy, in which "the hierarchy describes the priority of product features and performances of the product." (Column 4, lines 17-18) Gilmore does not teach or even suggest "at least one selected hierarchical level associated with said at least one of multiple suppliers."

For similar reasons, as discussed above, independent claims 20, 39, 58, 93, 113, and 133 are not anticipated by Gilmore. Claims 2, 7-9, 11, 12, 15, 18, 26-28, 30, 31, 34, 37, 45-47, 49, 50, 53, 56, 64-69, 72, 75, 94, 96, 101-103, 105, 106, 109, 112, 114, 116, 121-123, 125, 126, 129, 132, 134, 136, 141-143, 145, 146, 149, and 152 depend from these independent claims. Thus, claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-143, 145, 146, 149, and 152 are not anticipated by Gilmore, for at least the above reasons, and Applicant therefore requests reconsideration.

Claim Rejections - 35 U.S.C. §103(a)

3) Regarding section 9 of the Office Action, claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 are rejected under U.S.C. §103(a) as being unpatentable over Aycock in view of Gilmore. As discussed above, neither Aycock, nor

Response dated April 7, 2005
Response to Office Action dated February 8, 2005

Application No. 09/864,383

Gilmore, nor the combination of Aycock and Gilmore teaches or even suggests; the features of "inputting a specification of at least one selected hierarchical level associated with the suppliers" and "evaluating, for said at least one selected hierarchical level, the suppliers for said supply chain based on the performance information" as included in claim 153. The features of "inputting a specification of at least one selected hierarchical level associated with the suppliers" and "evaluating, for said at least one selected hierarchical level, the suppliers for said supply chain based on the performance information" as included in claim 174 are not taught or suggested by Aycock and Gilmore. The features of "a module/component inputting a specification of at least one selected hierarchical level associated with the suppliers" and "a module/component evaluating, for said at least one selected hierarchical level, the suppliers for supply chain based on the performance information" as included in claim 194 are not taught or suggested by Aycock and Gilmore. Because claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 depend from independent claims 153, 174, and 194, these claims are patentable over Aycock in view of Gilmore, and the Applicant requests for reconsideration.

4) Regarding section 10 of the Office Action, claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 are rejected under U.S.C. §103(a) as being unpatentable over Aycock in view of reference "An Exploratory Study of the Perceived Benefits of Electronic Bulletin Use and Their Impact on Other Communication Activities" (James). Claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 ultimately depend from claims independent claims 1, 20, 39, and 58. Moreover, James does not make up for the deficiencies of Aycock, and thus claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 are patentable for at least the above reasons. The Applicant requests reconsideration of claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92.

5) Regarding section 11 of the Office Action, claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, 201, and 219 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aycock. However, claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, 201, and 219 ultimately depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194. Moreover, the Official notice that "it is well known in the state of the art of supply chain management that the evaluation of a supplier would

Response dated April 7, 2005
Response to Office Action dated February 8, 2005

Application No. 09/864,383

take into account pre-season and in-season performance" does not make up for the deficiency of Aycock. Thus, claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, 201, and 219 are patentable. The Applicant requests reconsideration.

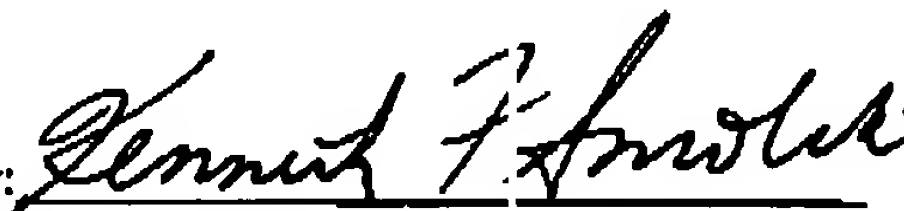
6) Regarding section 12 of the Office Action, claims 217 and 218 are rejected by the Office Action under 35 U.S.C. 103(a) as being unpatentable over Aycock in view of US 5,684,964 (Powers). Claims 217 and 218 ultimately depend from independent claim 1. Moreover, Powers does not make up for the deficiency of Aycock. Thus, claims 217 and 218 are patentable over Aycock in view of Powers. The Applicant requests reconsideration.

CONCLUSION

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

Date: April 7, 2005

By: 
Kenneth F. Smolik
Registration No. 44,344
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Direct Line: 312-463-5419
Facsimile: 312-463-5001